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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 TROY RAY EMANUEL JR.,

8 Plaintiff,

9 v.

10 NEVADA DEPARTMENT OF
11 CORRECTIONS et al.,

12 Defendants.

3:17-cv-00335-MMD-VPC

ORDER

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14 I. DISCUSSION

15 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
16 ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1).
17 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in*
18 *forma pauperis*.

19 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
20 application to proceed *in forma pauperis* and attach both an inmate account statement for the
21 past six months and a properly executed financial certificate. The Court will retain Plaintiff's
22 civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the
23 filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed
24 *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses
25 to file an application to proceed *in forma pauperis* he must file a fully complete application to
26 proceed *in forma pauperis*.

27 II. CONCLUSION

28 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as

1 the document entitled information and instructions for filing an *in forma pauperis* application.

2 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
3 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
4 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
5 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
6 administrative fee).

7 IT IS FURTHER ORDERED that, if Plaintiff does not timely comply with this order,
8 dismissal of this action may result.

9 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
10 No. 1-1), but shall not file it at this time.

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12 DATED: This 1st day of June, 2017.

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16 United States Magistrate Judge
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